

Notice of Allowability

Application No.

10/650,062

Examiner

Faye Boosalis

Applicant(s)

NATORI, YASUAKI

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to submission of 10 November 2006.
2. ☒ The allowed claim(s) is/are 6,12-14,16 and 19-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Comment on Submissions

1. This communication is responsive to submissions 10 November 2006.
2. Claims 1-5, 7-11, 15 and 17-18 are cancelled.

Allowable Subject Matter

3. Claims 6, 12-14, 16 and 19-21 were previously allowed.
4. Claims 6, 12-14, 16, 19-26 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 6, the prior art does not disclose or fairly suggest a laser scanning microscope comprising: a second optical scanning system wherein the second optical scanning system is attachable and detachable with respect to a main body of the laser scanning microscope that includes the first optical scanning system.

The examiner notes that while it is known in the art of a laser scanning microscope comprising: a first optical scanning system (1) which scans a first laser light (100) for observing a sample on the sample (110); a first light branch device (101) which separates a light from a sample from an optical path of the first laser light (100); at least one photodetector (115) which detects the light from the sample from an optical path of the first light branch device; a second optical scanning system (3) which irradiates a specific portion on the sample with a second laser light for stimulating or operating the sample; and a wavelength selection device (112) which is disposed between the first light branch device and the photodetector (115) and which has a first function of transmitting a desired observation light and a second function for limiting transmission

of the second laser light (2) (see for example *Kashima et al -- US 6,094,300 A* – Fig. 1 and col. 7, lines 4-27, col. 8, lines 45-50 and col. 9, lines 38-58), the prior art does not suggest an attachable and detachable second optical scanning system of a laser scanning microscope.

Regarding independent claim 12, the prior art does not disclose or fairly suggest a laser scanning microscope wherein the wavelength selection device comprises: at least one second interference filter which performs the second function.

The examiner notes that while it is known in the art of a laser scanning microscope comprising: a first optical scanning system (1) which scans a first laser light (100) for observing a sample on the sample (110); a first light branch device (101) which separates a light from a sample from an optical path of the first laser light (100); at least one photodetector (115) which detects the light from the sample from an optical path of the first light branch device; a second optical scanning system (3) which irradiates a specific portion on the sample with a second laser light for stimulating or operating the sample; and a wavelength selection device (112) which is disposed between the first light branch device and the photodetector (115) and which has a first function of transmitting a desired observation light and a second function for limiting transmission of the second laser light (2) (see for example *Kashima et al -- US 6,094,300 A* – Fig. 1 and col. 7, lines 4-27, col. 8, lines 45-50 and col. 9, lines 38-58); and wherein the wavelength selection device comprises an interference filter (see for example *Kashima et al -- US 6,094,300 A* – Fig. 1 and col. 7, lines 28-39 and col. 8, lines 35-50), the prior

art does not suggest wherein a wavelength selection device comprises at least one second interference filter.

The remaining 13-14, 16, 19-26 are allowable based on their dependency.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Boosalis whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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